

Vermont Parole Board

FY 2007 Annual Report

Governor
James H. Douglas

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Vermont Parole Board Message from the Chairman

2007 has been a busy, dynamic year for the Vermont Parole Board. During the year the board completed full implementation of its policy and procedure manual. A required annual review of the manual and consideration of needed changes was completed in May with several amendments approved. The changes recommended by the board were sent for review by legal counsel (Marie Salem, Asst. Attorney General), and the staff at the Prisoner's Rights Office. Our NIC (National Institute of Corrections) consultant Keith Hardison also reviewed the recommended changes and met with Parole Board Director Peter Danles and myself to prepare the final draft of the changes. The Parole Board unanimously approved the changes in May 2007, which are now part of the manual.

The Parole Board continued to improve the electronic communication of parole summary information, and began using a wireless connection to the DOC network at all parole hearing sites. Board members can quickly access the parole summary and violation reports. The electronic reporting of reports has resulted in a significant savings of delivery costs by the Dept of Corrections (postage, and copying).

Training continues to be important, and the Parole Board has conducted a number of training sessions throughout the year with several members attending annual training provided by the Assn. of Paroling Authorities International. The board now schedules a regular business meeting held on the last Monday of the month for board members to meet outside of hearings to consider board business. Director Danles provides an agenda which includes a review of Risk Assessment data, any requests for early termination of parole, and the monthly schedule. As issues arise board members bring concerns to the meeting for discussion and decisions on how best to proceed. The business meeting has been very helpful to board members, providing an opportunity to discuss these issues outside of the parole hearing environment.

Director Danles and I have met several times during the year with DOC managers to review parole board concerns. The process has provided an excellent opportunity to communicate with managers and provide feedback on board concerns. Director Danles developed a training program on Parole procedures for DOC caseworkers, and has traveled to several locations throughout the State providing the training, which has been very well received.

The board has completed its first full year using the Parole summary risk assessment tool, and has begun to initiate the use of a Parole violation matrix tool. The violation matrix uses information from the original parole summary risk assessment, and parole violation report to provide a recommended array of violation decision options. Our consultant Keith Hardison from NIC worked with the board to develop the violation matrix, which is specific to Vermont offender issues. Mr. Hardison has completed his work with the Vermont Parole Board, and has filed a positive report on the Vermont Parole Board.

As we begin 2008 the Parole Board is continuing to look for ways to encourage more creative parole opportunities, while managing the risk to the public. We remain

concerned that there are still many parole eligible offenders not being brought forward, and that conditional reentry (furlough) numbers continues to grow while parole numbers decline. The board recently had a training session with Amy Holloway (DOC victim's assistance manager) and learned about the new victim notification system. The board has been very concerned about the lack of victim participation and is pleased to see the conversion of the present system to one in which the notification will be made by victim advocates from DOC.

The parole board is currently working with the Dept of Public Safety to develop a means to provide up to date parole information that can be used in the VIBRS network to easily provide Vermont Police Officers up to date information on parole status and conditions.

The Vermont Parole Board has become a professional, well trained group of men and women who work hard to provide this service representing Vermonters in an effort to promote changes in offender behavior and keep Vermonters safe.

Dean C. George, Parole Board Chair

I. General information about the Vermont Parole Board

A. - Parole Board Structure

The Parole Board is an independent autonomous agency. The agency of Human Services provides support for the Vermont Parole Board.

The Parole Board members are appointed by the Governor, with the advice and consent of the Senate. It is comprised of five regular members and two alternates who are appointed for 3-year terms. The Governor also designates the Board Chair and the Parole Board Director. Additional staff includes one full-time Executive Office Manager and one full-time Administrative Assistant. The following individuals currently comprise the Vermont Parole Board and supporting staff:

Parole Board Members:

- Dean George – Parole Board Chair
- Patricia Boucher – Parole Board Vice-Chair
- Richard Grassi – Parole Board Member
- Bill Pettengill – Parole Board Member
- Peter Ozarowski – Parole Board Member
- Susan Blair – Parole Board Member (Alternate)

- Alice Hafner – Parole Board Member (Alternate)

Parole Board support staff:

- Peter Danles – Parole Board Director
- Madelyn Sinon – Executive Office Manager
- Evelyn Shearer – Administrative Assistant

Board interviews, reviews, and hearings of in-state offenders are conducted at fourteen sites throughout Vermont including both correctional and community corrections facilities. The Board is currently conducting all interviews and reviews of out-of state offenders at one site using audio/video interactive technology.

B. - Purpose of the Parole Board

The Parole Board is the only releasing authority for offenders eligible for parole. Parole provides an offender, who has completed a portion of their sentence, the opportunity to successfully integrate into a community as a law-abiding citizen and a productive member of society. Parole also reduces the cost of continued incarceration while providing the least restrictive degree of supervision within the Criminal Justice System.

The Board is also responsible for making decisions concerning offenders serving a Supervised Community Sentence (SCS). SCS is an intensive form of community supervision ordered by the criminal courts in lieu of requiring an offender to serve a sentence of incarceration.

The Board has six major responsibilities:

1. Interview offenders eligible for parole and either grant or deny parole.
2. Upon expiration of the minimum sentence of an offender on SCS, interview the offender and either grant parole, continue the offender under SCS until expiration of the maximum term of sentence or terminate the offender from supervision altogether.
3. Conduct violation hearings involving parolees and SCS offenders who have allegedly violated conditions of their release. The Board decides in these hearings if the violations have been substantiated by substantial evidence and decides the appropriate disposition.
4. Conduct Reprimand Hearings for offenders who may be appropriate for Board intervention in a more informal context. The Board will either deliver a reprimand to the offender, or suggest that the supervising officer initiate formal violation proceedings.

5. Conduct parole eligibility reviews of offenders who are not appearing before the Board in person.
6. Conduct hearings for offenders recommended for early discharge, and for modification of parole conditions. Accommodations for outstanding behavior while on parole are considered when recommended by DOC caseworkers.

C - Decision Making by the Parole Board

In order to establish a quorum for decision making, at least three members must be involved in rendering a decision in a particular matter. Concurrence of a majority of those members is necessary to authorize Board action.

The Board deliberates and makes decisions based on information furnished to it by the Department of Corrections, offenders and their families, victims and their families, and other interested citizens and individuals who may have pertinent information for the Board. The Board considers the following factors according to policy when making decisions concerning offenders eligible for parole:

1. Seriousness of the crime committed.
2. Danger to the public
3. The offender's risk of re-offending.
4. Any input given by the victim, including, but not limited to the emotional damage done to the victims and the victim's family.
5. The offender's parole plan – including housing, employment, need for Community treatment and follow-up resources.
6. Recommendation of the Department of Corrections.

The Board may according to policy consider all pertinent information including the following factors:

1. History of prior criminal activity.
2. Prior history on probation, parole, or other form of supervised release.
3. Abuse of drugs or alcohol.
5. Poor institutional adjustment.
6. Success or failure of treatment.
7. Attitude toward authority - before and during incarceration.
8. Comments from the prosecutor's office, the Office of the Attorney's General's Office, the judiciary or other criminal justice agency.
9. Education and job skills.
10. Employment history.
11. Emotional stability.
12. Mental status - capacity and stability.

13. History of deviant behavior.
14. Official and community attitudes toward accepting an inmate back into the community.
15. Other factors involved that relate to public safety or the offender's needs.

The Vermont Parole Board's Code of Ethics covers such matters as competence, integrity, and professional conduct. The Board firmly believes that adherence to these codes will protect the integrity of the parole and SCS process.

D. - Requests for reconsideration of the Parole Board's decisions

According to Title 28; Chapter 7, the Parole Board's decisions regarding parole and SCS are not subject to court review, with the exception that an offender may ask a court to determine whether the Board in making a decision violated any provision of chapter 7. An offender may also seek action against the Board if it is alleged that the Board's actions violated the State or Federal constitutional rights of an offender, or violated the Board's own rules.

Apart from factors mentioned above that may be challenged through our court system; the Board has developed a policy that will grant reconsideration to a previous decision regarding parole or SCS when new information has been revealed to the Board.

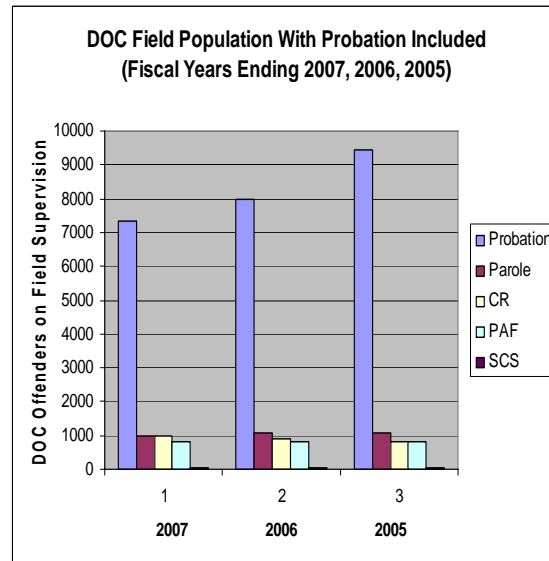
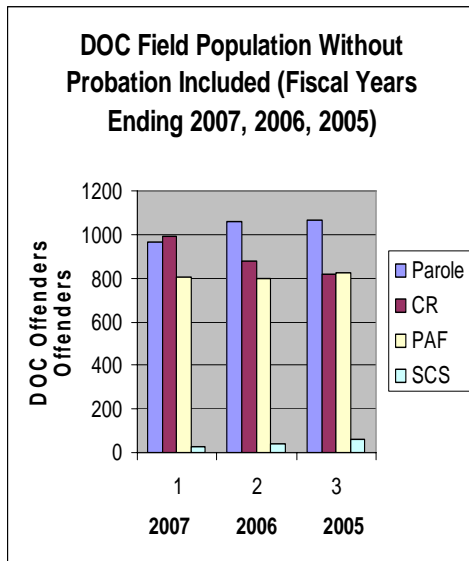
For reconsideration of a prior decision regarding parole, the Board must receive a reconsideration request within thirty (30) days from the date final disposition is made available to the offender. If it is not received within thirty (30) days, it shall be denied. Reconsideration shall only be considered if new evidence has been provided that was not available at the time of the proceeding which would have likely resulted in a different decision by the Board.

For reconsideration of a prior decision regarding SCS, there is no time-limit, but a bifurcated process is involved.

1. The Board must make a preliminary decision to schedule the SCS reconsideration request for a hearing. The request must be supported by "good cause".
2. If a decision is made by the Board to hear the SCS reconsideration request, the Parole Board Office schedules a formal hearing.

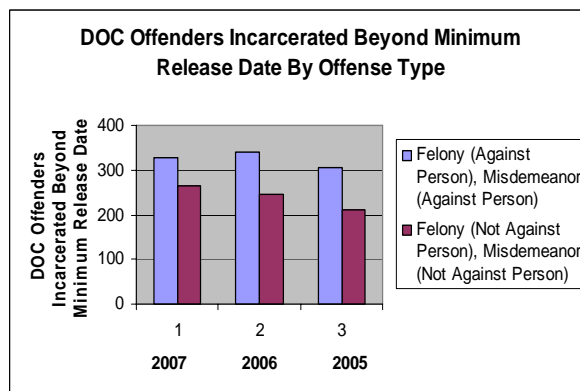
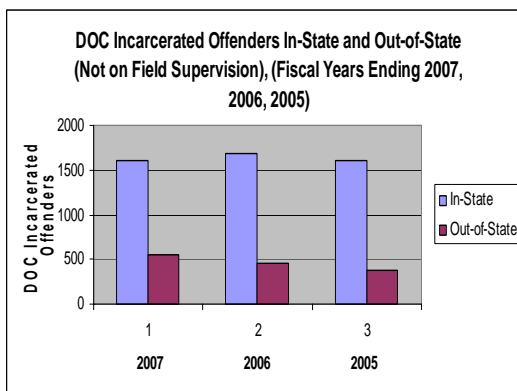
II. Overview of Offenders who are, or may fall under the authority of The Vermont Parole Board (FY 2007, FY 2006, FY 2005):

A. Field Population: Parole, Community Reentry (CR), Preapproved Furlough (PAF), Supervised Community Sentence (SCS)



The Population of DOC offenders supervised on Parole has declined over the past three years and the population of offenders on Probation has declined dramatically since the end of FY 2005, while the population of offenders on Community Reentry (CR) has steadily increased (21% increase since the end of FY 2005). The Parole Board continues to work with DOC in an effort to increase the number of offenders on parole supervision and decrease the potential “net widening effect” of Conditional Reentry, which may explain the growing number of offenders on Conditional Reentry.

B. Incarcerated Population: (In-State and Out-of-State)

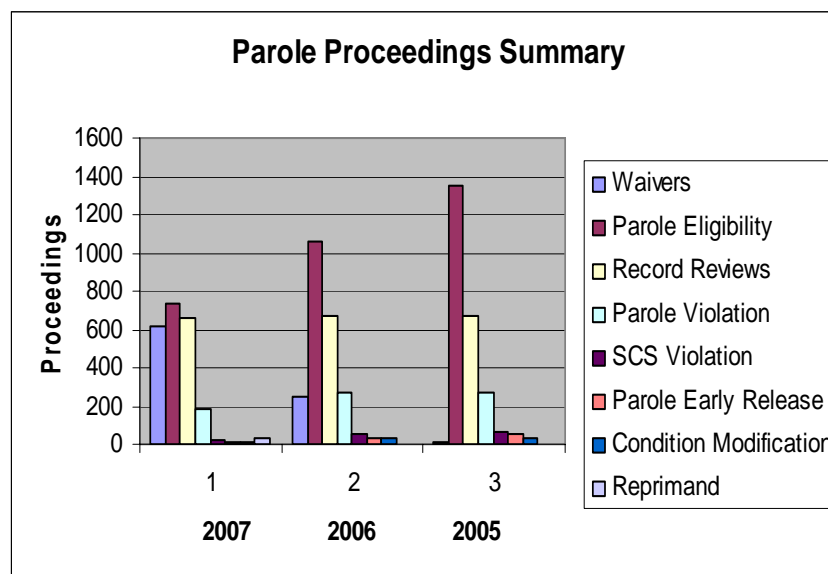


The population of incarcerated offenders, including both In-State and Out-Of-State offenders, has increased 10% over the past three years with a greater percentage of

offenders remaining incarcerated past their minimum release date (15% since the end of FY 2005). More of this increase appears to be comprised of Non-Violent Felony and Misdemeanor offenders (44% at the end of FY 2007 compared to 40% at the end of FY 2005). These Non-Violent Felony and Misdemeanor offenders are mostly low risk and may be good candidates for parole consideration. The Parole Board is working to develop strategies with DOC to bring more of these offenders to hearings for parole consideration.

III. Overview and Summary of Parole Proceedings (FY 2007, FY 2006, FY 2005):

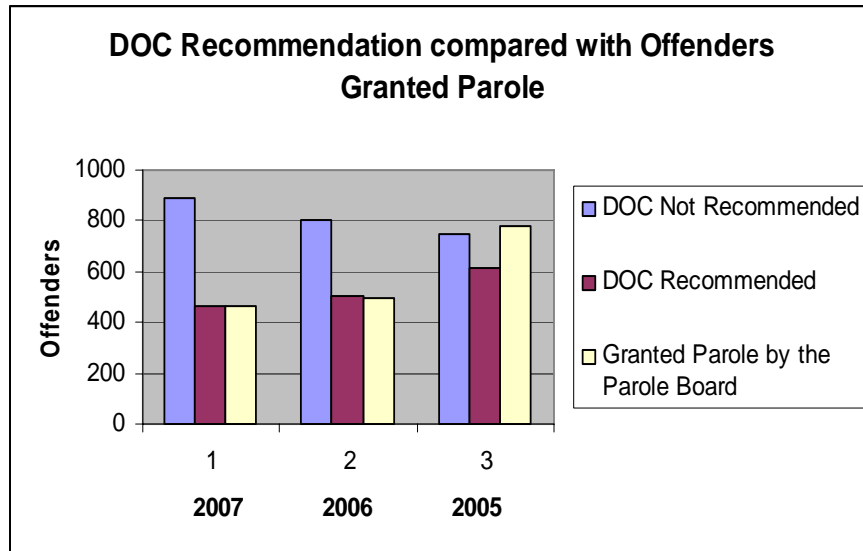
A. Summary of all proceedings.



In Fiscal Year 2007 the Parole Board conducted 1,785 proceedings. Parole eligibility hearings have decreased 55% since FY 2005 (738 in FY 2007 compared to 1352 in FY 2005), and parole/SCS violation hearings have decreased significantly: (190 in FY 2007 compared to 325 in FY 2005). The number of waivers is concerning (10 in FY 2007 compared to 325 in FY 2005), which may account for the higher number of offenders on Community Reentry “CR” supervision. The Board will continue to work with DOC to reduce this trend of offenders waiving their hearings, particularly at their minimum hearing date. Reducing the number of offenders waiving their hearings will bring more offenders before the Board for Parole Eligibility and increase the number of offenders scored by the Board’s Risk Assessment Instrument for future evaluation.

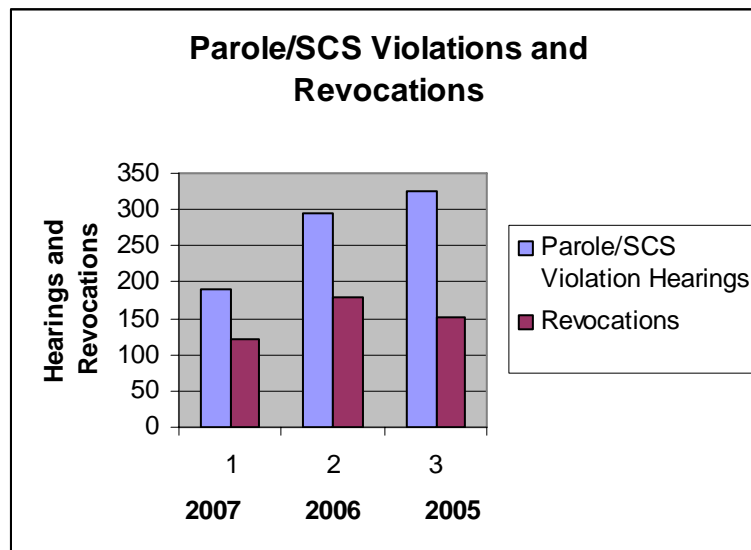
Unlike previous fiscal years, the Board has been routinely conducting hearings for Parole Early Release decisions, Condition Modifications, and Reprimands totaling 115 additional hearings this fiscal year. These hearing were initiated as a means of broadening the Board’s involvement in decisions influencing parole supervision, as well as to reinforce the decisions of field officers.

B. Comparison of offenders Recommended and Not Recommended for Parole by DOC with Offenders Granted Parole by the Parole Board.



For the past two fiscal years the number of offenders granted parole has been consistent with the numbers recommended for parole by DOC, but the number of offenders recommended has consistently decreased. The Parole Board would like to have more parole recommended offenders brought forward by DOC caseworkers, and will continue to explore strategies that might initiate additional parole recommendations from DOC.

C. Violation Hearings Overview.



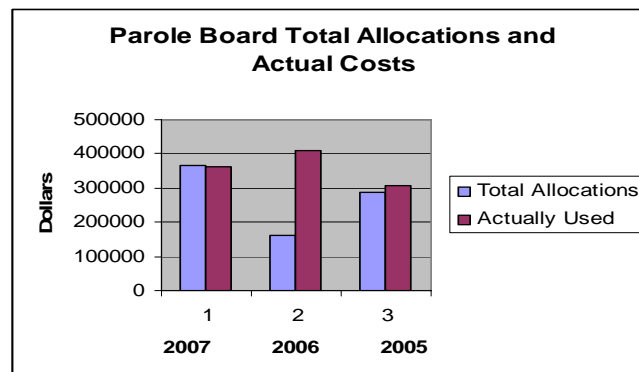
The number of Parole/SCS violation hearings has **decreased 58%** since fiscal year 2005 and the number of offenders having their parole or SCS supervision revoked has

decreased 21%, with a slight increase in fiscal year 2006. The Parole Board has worked to provide more quality control with regard to parole agreements, and the conditions of release. The number of revocations is expected to decrease even more as the Parole Board utilizes the newly adopted Violation Matrix tool which indicates when alternatives to revocation should be considered. As a result of the Violation Matrix tool, The Board is becoming less likely to revoke supervision when “technical violations” have been committed and the offender has a stable residence and employment, as opposed to when the offender has committed new crimes and has no stable community connection.

The Board’s willingness to conduct reprimand hearings for offenders in lieu of formal violation hearings has also reduced the number of violation hearings and supervision revocations.

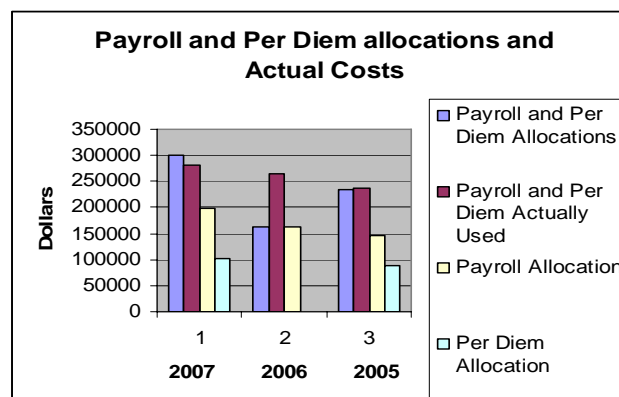
IV. Overview of Operating Costs (FY 2007, FY 2006, FY 2005)

A. Allocation Totals (All Expenses including Payroll and Per Diem).



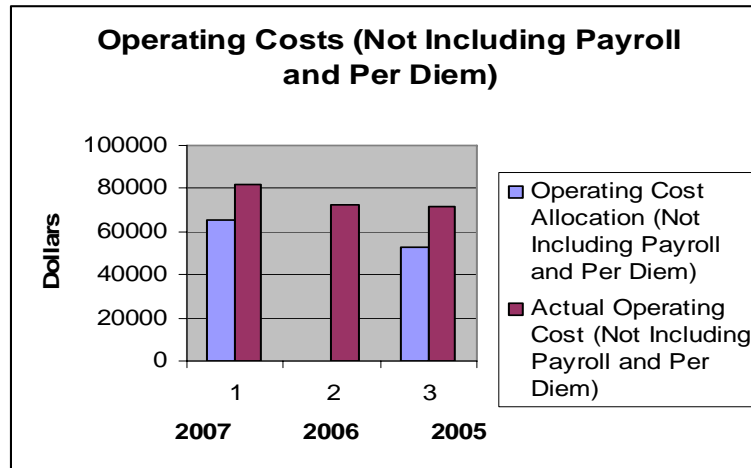
In fiscal year 2007 the **Parole Board Total Operating Expenses (including Payroll and Per Diem)** were \$3194 below the allocation.

B. Allocations for Per Diems and Payroll (including benefits) with Actual Costs.



Total payroll and per diem costs were **\$19,771 below the allocation**. The spike of increased costs in FY 2006 beyond allocation is explained by the fact that no allocation was posted for per diem costs in FY 2006.

C. Allocations for Operating Expenses with Actual Costs.



The increase in actual Operating Costs (not including Payroll and Per Diem) can be explained by the purchase of laptop computers for the Board members (a major long-term equipment purchase), the expense of training several new Board members by the Association of Paroling Authorities International, and the process of updating and creating new forms.